



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Michael Daly,  
Investigator Secured Facilities  
(PS4358I), Department of Corrections

Examination Appeal

CSC Docket No. 2022-223

**ISSUED: OCTOBER 12, 2021 (SLK)**

Michael Daly appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Investigator Secured Facilities (PS4358I), Department of Corrections.

The subject examination's closing date was January 21, 2021. The education requirement was a Bachelor's degree. The experience requirements were one year of experience in the custodial field which shall have included investigations of violations of rules, regulations, standards and laws by adult inmates, juveniles and/or employees working within a secured facility. Applicants who did not possess the required education could substitute applicable experience on a year for year basis, with 30 semester hour credits being equal to one year of experience. A total of 19 employees applied and 14 were found eligible. Certification PS210816 was issued containing the names of the 14 eligibles and all the eligibles were appointed. The list expires on July 29, 2021.

On the appellant's application, he indicated that he had 65 college credits. However, he did not enter any experience. Personnel records indicate that the appellant was provisionally serving in the subject title from August 2020 to the January 21, 2021 closing date, a Senior Correctional Police Officer from January 2012

to August 2020, a Correctional Police Officer from January 2011 to January 2012, and a Correctional Police Officer Apprentice from October 2010 to January 2011. Agency Services credited him for his 65 college credits, but determined that that it could not determine his eligibility due to an incomplete application.

On appeal, the appellant states that he is unaware as to the reason his application is incomplete. He presents that as of the closing date, he had nine years and eight months of experience as a Senior Correctional Police Officer performing the required duties. Further, the appellant states that he continues to perform the required duties while serving provisionally in the subject title. He also indicates that in addition to his State service, he was a Class 2 Police Officer for two different police departments for more than two years, where he had full police powers, and he describes his duties in this position. The appellant also provides that he has over 14 years as a member of the Air National Guard where he has served as a Military Police Officer and performed investigations.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible as he did not indicate any experience on his application. However, on appeal, the appellant describes how he performed the required duties as a Senior Correctional Police Officer for nearly 10 years prior to the subject examination January 21, 2021 closing date. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, there are currently no eligibles on the list and the appellant continues to successfully serve in the subject title. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). In this regard, the Commission finds that the appellant has demonstrated that he has the required experience for the subject title by the closing date, which, based on the circumstances presented, warrants his admission to the subject examination. Accordingly, good

cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellant.

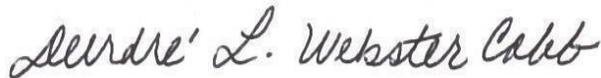
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that the appeal be granted, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 6<sup>TH</sup> DAY OF OCTOBER, 2021



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